

**GENERAL VILLAGE MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF WEST HAMPTON DUNES
Friday May 24, 2024, at 7:30 PM in person at 914 Dune Road,
West Hampton Dunes and available for viewing via Zoom**

May 24, 2024

Present: Mayor Gary Vegliante, Trustee Harvey Gessin, Trustee Gary Trimarchi, Trustee Michael Craig, Clerk-Robin Santora, Village Attorney Joseph Prokop, Village Treasurer Claire Vegliante, Sgt. Brian Hennig, Sgt. Tim Turner

Trustee John Eff – Absent

Stenographer Amy Thomas, Attorney Jim Hulme, Resident Alex Antonacci Residents – Charles & Roxanne Lippert, Irwin Krasnow, Robin Laveman, Sara Covelli, Yale & Sandy Nelson, Jim Cashin, Catherine & David Woolfson, Stanley Vickers, Kevin McGinn, John Skudrna, Sal Mattioli (approximately 22 people viewed the meeting virtually)

Meeting called to order 7:30 p.m.

Pledge of Allegiance

Public Hearing on 738-742 Dune Road Subdivision

Discussion on the subdivision of 738-742 Dune Road. There has been a decision by the ZBA approving the variances requested for the subdivision subject to the filing of a written decision with the Clerk. The decision of the ZBA contained several conditions of the approval of the variances including but not limited to the creation of a 32,000 square foot open space area on the northern area of the lots, the locations of accessory structures, and requirements for the existing structure.

Attorney Jim Hulme and the applicant's representative Alex Antonacci presented the application to the Board of Trustees sitting as the Village Planning Board. Mr. Hulme stated that the applicant seeks approval of the Board of Trustees as the Planning Board for the subdivision as constituted because of the zoning variances.

The hearing was open to public comment. Mr. Krasnow who is a member of the Zoning Board stated they spent two years working on this project and believes they came up with a solution that both Mr. Antonacci and the neighbors can all live with.

- Motion to close public hearing 738-742 Dune Road subdivision

Motion by: Trustee Craig
Second by: Trustee Gessin
In favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to adopt the SEQRA determination made by the Zoning Board of Appeals findings that the approval of the subdivision is an Unlisted Action for purposes of SEQRA and that the approval of the subdivision will not have a significant negative impact on the environment, provided the conditions of the ZBA decision are met, and therefore adopting a negative declaration.

Motion by: Trustee Craig
Second by: Trustee Trimarchi
In favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to approve the subdivision of the merged parcels 738 and 742 Dune Road into three lots subject to the conditions set by the Zoning Board of Appeals.

Motion by: Trustee Craig
Second by: Trustee Trimarchi
In Favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

Public Hearing on Local Law of 2024 Amending Chapter 560

Public Hearing on a Proposed Local Law of 2024, the Title of which is “Local Law No. of 2024, a Local Law Amending Chapter 560, Table 560B, Dimensional Regulations in the Residential Zone of the West Hampton Dunes Village Code to Change 2 Story Limit to 3 Story Limit.”

The Public Hearing was open for discussion.

- Lisa (attending virtually) asked if the height does not change but if the dimensions of the top floor do change will it significantly alter the overall size of the house. It was explained that it won't because it is still subject to the Pyramid Rule.

- Kevin McGinn, 5 Cove Lane asked if any homes were currently in violation of the revised code? The Village Attorney explained that John McAlary would have to make that determination and if there were any, it would be a small number of houses, that some houses that are now three stories would be covered but that homes that are more than three stories would not be covered by the law.
- Sara Covelli, 929 Dune Road wanted to know the number of homes that are affected by these changes. She asked if the number could be provided before the next Village meeting. Trustee Craig explained that we would provide the information to the extent that the village has it.
- Motion to adjourn public hearing on a local law of 2024 amending Chapter 560 attachment table of dimensions of residential properties from two stories to three stories until June 2024 Board of Trustees meeting.

Motion by Trustee Craig

Second by Trustee Trimarchi

Abstain by Trustee Gessin

In Favor: Craig, Trimarchi and Mayor Vegliante

Against: None

Absent: Trustee Eff

Mayor Report:

- **Plover Update:** Some nests have hatched since early May/ late April. We don't have a count yet, but Fish and Wildlife are happy.
- **Dune Violation:** There was an occurrence where a resident plowed through a portion of the dune. They were stopped, Fish and Wildlife, Army Corp and the DEC were all notified. The Constables issued violations, and the resident will have to repair the dune.
- **String Fencing:** Fencing is in and set. Final assessment will be around 4th of July and they will either reduce or expand at that time.
- **Election:** The upcoming election is Friday June 21, 2024. It is the third Friday in June, and it will be held at 914 Dune Road from Noon- 9pm.
- **Tax Bills:** Tax bills went out at the beginning of May. Payment is due by July 1, 2024 without penalties.
- **Movie Night:** Annual WHD movie night is scheduled for Saturday July 27, 2024 – Movie TBD.

- **NYCOM:** Mayor Vegliante was not able to attend the annual NYCOM Executive Committee meeting earlier this month due to a family illness. The mayor has received reports of the meeting and will get a full report by the end of the month.
- **Renourishment:** Scheduled for the fall under the Fire Island to Montauk Point (FIMP) project. The mayor explained that any State, Federal or local tax funds cannot be used for private property. That any replenishment to the bayside would have to be privately funded.
- **Annexation:** The Village is looking to fill in the entire unincorporated area, excluding the multiple dwelling places in between, roughly 50 houses. The purpose for these homes to join our incorporated village is so they can enjoy the same services that are provided to the village. The benefit to the Village is it will increase the assessment base which in turn will increase the tax base. There has been a conversation with Trustee Brian Tymann from the Village of Westhampton Beach about joining us. We would try to annex 50 properties on the westerly side of the unincorporated area and WHB would try to annex the 50 properties on the easterly side, excluding any condos.

Eileen Sapraicone asked who this benefits and the mayor explained that it will increase our tax base with little impact on the village.

- **Summer Construction:** There is to be no work on Saturday or Sunday's now through Labor Day. We are shortening the hours within the day work can be done – start time 9am. The Village is also looking into limiting exterior construction on variances issued after May. If you have any comment or ideas, please call the mayor in the office.
- **DOS meeting in Albany:** Mayor Vegliante, Building Inspector John McAlary, Trustee Harvey Gessin and Village Attorney Joe Prokop, Esq. a Special Counsel David Yaffe, Esq. traveled to Albany and met with representatives of the Department of State. It was a productive meeting discussing the regulations affecting propane tanks in the Village with regard to New York State Code. Village Attorney Joe Prokop explained there are about two or three dozen small propane tanks that have minor violations – such as they need to be moved a small distance or they may need to be strapped down more securely.

There were also discussions regarding the interpretation of two and three story regulations. Village Attorney Joe Prokop and Special Counsel

David Yaffee, Esq. have had virtual meetings with the Department of State since the Albany meeting. The Village Attorney also stated that the Village is cooperating with the DOS to resolve outstanding questions. The DOS identified 61 homes that based on a drive by view by that agency they feel may be three or four stories, that the Village is addressing. Building Inspector John McAlary previously completed a detailed report regarding propane tanks which was provided to the DOS and is preparing similar information regarding the question raised about stories. The Department of States attorneys have stated that they are willing to work with the Village to help resolve any ongoing issues.

- **Village Bayside Improvement District:** Stanley Vickers reported that VHB, the engineering firm that the VID hired has been to the property and within the next ten days, VHB plans to have a preliminary plan to present to the VID members. Trustee Craig asked if they had a timeline for the project, pointing out that it will take 60-90 days to get a bond for the project together.

Trustees Report:

- **Walkways:** Trustee Craig explained that our walkways are owned by Suffolk county and all we can do is advocate getting them repaired. Walkway 7 is in the worst shape, and trustee Craig has contacted Jason Smagin, the Parks Commissioner for Suffolk County about starting repairs on the walkway. The work should be done before the holiday weekend, and we have asked them to look over the other walkways too.
- **West End Flooding:** Trustee Craig has been in contact with Congressman LaLota regarding the road flooding. There is a grant the Village attempted to apply for the grant however the application deadline was in five days and the project needed to be shovel ready. Congressman LaLota and his staff have the application and are working with us. This is a grant using federal, state and county money.

Treasurer Report:

- The Village Treasurer Claire Vegliante started with a prepared statement in response to an email that was sent to her. In this statement she discussed the difference between running a business and that of a municipality. She explained how there are strict regulations when it comes to daily procedures running a municipality and that the mayor is not a signer on any bank accounts. Claire stated we do have an accountant who oversees everything and makes sure we comply with all necessary deadlines. We also hire an outside accounting firm to audit us

annually. She stated we had been audited by the Comptroller's office where they viewed our village records for almost 18 months and came out with good results.

A mayoral candidate and his family disagreed and had a different interpretation of the results of the audit. He responded that there was a publication that he felt cast the situation in a more negative manner. There were also questions regarding the Board of Ethics and the financial disclosure of elected officials. It was stated we follow the Suffolk County Board of Ethics code.

- Statements and bank reconciliations were all emailed out prior to the meeting to the Board.
- Workman's compensation renewal for 2024-2025 is less than last year.
- Receiving tax payments – over \$450,000 has already come in.
- Finalizing the fiscal year and will meet with the accountants to finalize the audit. The village finances are in great shape. Any questions or comments please call the village office.

Constables Report:

- Speed signs are up - working on programming the signs
- If there are any problems, please contact the Constables at the time the issue is in progress.

Attorney Report:

- Village Attorney Joe Prokop commented on how nice the space at 914 Dune Road is since the Village opened up the interior space by taking down the dividing wall.
- The Village has received a retainer proposal from Steven Leventhal, Esq. and John Ciampoli, Esq. to represent the Village Clerk during the election at a rate of \$350 an hour. Joe asked to have the Board approve the hiring of these two election attorneys.
- The Department of State has adopted regulations on the minimum requirements that every village should have in their building code. Such things as how long a building permit lasts, how many times it can be renewed, no alterations without a building permit or certificate of occupancy. The DOS have a model that they would like the village to adopt.
- The Constables have requested a provision in our village code regarding the impounding of vehicles. We are allowed to impound vehicles under the NYS vehicle and traffic law, the request is to have specific rates for impound fees and daily rates. The proposal would include having three different towing companies that the village can use and to have an impound yard.

Resolutions:

- Motion to approve the retainer of Steven Leventhal, Esq. and John Ciampoli, Esq. to represent the village clerk during the election process for \$350 per hour.

Motion by Trustee Craig
Second by Trustee Gessin
In favor: Craig, Gessin, Mayor Vegliante
Opposed: Trustee Trimarchi
Absent: Trustee Eff

- Motion to set a public hearing at the next meeting on a proposed local law to create regulations regarding the impound of motor vehicles.

Motion by Trustee Trimarchi
Second by Trustee Craig
In favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to set a public hearing on a local law of 2024 modifying Chapter 220 construction of West Hampton Dune Village code.

Motion by Trustee Trimarchi
Second by Trustee Craig
In Favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to adopt a resolution approving the submitted claim vouchers by the Board of Trustees

Motion by Trustee Craig
Second by Trustee Gessin
In Favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to adopt a resolution waiving of the reading of the minutes of the April 24, 2024 Board of Trustees Meeting

Motion by Trustee Gessin
Second by Trustee Craig
In Favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

Public Comment:

- Sara Covelli from 929 Dune Road stated there is funding from the state and federal governments for flood mitigation. Through the Environmental Bond Act the village can apply for these grants to help fund the road repair project. Mayor Vegliante thought the grants were more for freshwater issues, but Sara disagreed and asked that the Village look further into these grants.
- Stanley Vickers wanted to know where the village was with the fiber optics contract. Attorney Joe Prokop explained the contract we have requires them to supply fiber optic service. They claim they are meeting that obligation by providing “fiber compatible” service, which is why we have not renewed the contract.
- Sara Covelli from 929 Dune Road read a statement that she finds the conduct of the meeting inappropriate and unprofessional. Would like everyone to respect the platform.

Adjournment:

- Motion to adjourn public meeting and go into executive session to discuss litigation at 9:35 p.m.

Motion by Trustee Craig
Second by Trustee Gessin
All in favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to end the executive session meeting and return to public meeting at 9:40 p.m.

Motion by Trustee Trimarchi
Second by Trustee Craig
In favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to reopen public meeting 9:41 p.m.

Motion by Trustee Craig

Second by Trustee Gessin
In favor: Craig, Gessin, Trimarchi, Mayor Vegliante
Opposed: None
Absent: Trustee Eff

- Motion to adjourn meeting close public 9:41pm

Motion by Trustee Gessin
Second by Trustee Craig
All in favor: Yes
None opposed